

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY XAVIER AMIGON,

Plaintiff,

-against-

DYLAN J. LUZON, et al.,

Defendants.

21-CV-2029 (PMH)

ORDER OF SERVICE

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is proceeding *pro se*, paid the filing fees to commence this action. He brings claims under 42 U.S.C. § 1983, alleging that members of the Dobbs Ferry Police Department violated his rights during a traffic stop.

A. Service on Police Officer Luzon

The Clerk of Court is directed to issue a summons as to Defendant Dylan J. Luzon. Plaintiff is directed to serve the summons and complaint on Defendant Luzon within 90 days of the issuance of the summons. If within those 90 days, Plaintiff has not either served Defendant Luzon or requested an extension of time to do so, the Court may dismiss the claims against Defendant Luzon under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

B. John Doe Supervising Officer

Under *Valentin v. Dinkins*, a *pro se* litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). In the complaint, Plaintiff supplies sufficient information to permit the Dobbs Ferry Police Department to identify the John Doe supervising officer who was involved with the traffic stop and Plaintiff's detention and arrest on March 7, 2020. It is therefore ordered that the Village of Dobbs Ferry, which is the municipal

entity responsible for the Dobbs Ferry Police Department, must ascertain the identity and badge number of the John Doe supervising officers whom Plaintiff seeks to sue here and the address where this defendant may be served. The Village of Dobbs Ferry must provide this information to Plaintiff and the Court within sixty days of the date of this order.

Within thirty days of receiving this information, Plaintiff must file an amended complaint naming the John Doe defendant. The amended complaint will replace, not supplement, the original complaint. An amended complaint form that Plaintiff should complete is attached to this order. Once Plaintiff has filed an amended complaint, the Court will screen the amended complaint and, if necessary, issue an order directing the Clerk of Court to issue a summons to Plaintiff for service on the named John Doe defendant.

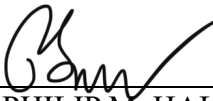
CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff, together with an information package.

The Clerk of Court is further instructed to: (1) issue a summons to Plaintiff for service on Defendant Dylan J. Luzon; and (2) mail a copy of this order and the complaint to the Village of Dobbs Ferry at: 112 Main Street, Dobbs Ferry, New York 10522. An "Amended Complaint" form is attached to this order.

SO ORDERED.

Dated: March 15, 2021
White Plains, New York



PHILIP M. HALPERN
United States District Judge